

AMENDED IN SENATE JULY 18, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 609

Introduced by Assembly Member Eng
(Coauthors: Assembly Members Beall, Huffman, and Laird)

February 21, 2007

An act to amend Section 15814.12 of the Government Code, relating to state buildings.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as amended, Eng. State building construction: energy conservation.

The State Building Construction Act of 1955 authorizes the State Public Works Board to acquire and to engage in the construction of, cogeneration equipment, alternative energy equipment, or conservation measures, and any combination thereof, and to enter into energy service contracts at any structure, building, facility, site, or work used, owned, or acquired by state agencies, subject to specified criteria. Equipment, conservation measures, or energy services contracts subject to these provisions are required to be anticipated to provide cost savings to the state in each year during the term of any revenue bonds, notes, or energy service contracts issued or entered into pursuant to the act or other specified provisions of law, except as otherwise authorized by the Legislature.

This bill would instead require the equipment, conservation measures, or energy service contracts to be anticipated to provide costs savings to the state within 15 years, based on a ~~life-cycle~~ *life-cycle* cost analysis.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15814.12 of the Government Code is
2 amended to read:

3 15814.12. (a) Without obtaining the authorization required by
4 Section 15808, the board may acquire, and engage in the
5 construction of, cogeneration equipment, alternative energy
6 equipment, or conservation measures, and any combination thereof,
7 and enter into energy service contracts, at any structure, building,
8 facility, site, or work used, owned or hereafter acquired by the
9 state agency, including, but not limited to, the facilities of the
10 California State University and Colleges, the Department of
11 General Services, state prisons, hospitals, and other agencies and
12 the community colleges, but only ~~at the request or~~ with the consent
13 of the state agency.

14 (b) No cogeneration equipment or alternative energy equipment
15 or water conservation equipment shall be acquired or constructed,
16 and no energy service contract shall be entered into, by the board
17 unless it determines that the anticipated cost to the state agency
18 purchasing thermal or electrical energy or water provided by the
19 equipment or under an energy service contract will be less than
20 the anticipated marginal cost to the state agency of thermal or
21 electrical energy or water that would have been consumed by the
22 state agency in the absence of those purchases. Equipment,
23 conservation measures, or energy service contracts shall be
24 anticipated to provide cost savings to the state within 15 years,
25 based on a ~~life-cycle~~ *life-cycle* cost analysis developed pursuant
26 to Section 15814.40.

27 (c) Alternatively, the board may execute agreements to finance
28 the construction of cogeneration equipment, alternative energy
29 equipment, water conservation equipment, or conservation
30 measures, and any combination thereof, by the state agency,
31 including the University of California, to be owned by the state
32 agency, in exchange for repayment of the financing and all costs
33 and expenses related thereto from revenues resulting from sales
34 of electricity or thermal energy or water from the facilities and
35 measures or from funding which otherwise would have been used

1 for purchase of electricity, water, and thermal energy required by
2 the state agency but which is derived from the facilities and
3 measures.

4 *(d) This section shall not prohibit, limit, or supersede more*
5 *stringent green building requirements for any structure, building,*
6 *facility, site, or work.*

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